

District III Advisory Board Minutes

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**November 5, 2003
7:00 p.m.**

**Colvin Neighborhood City Hall
2820 S. Roosevelt**

The District III Advisory Board meeting was held at 7:00 p.m. at the Colvin Neighborhood City Hall at 2820 S. Roosevelt. The District III City Council member, Phil Lambke and nine (9) District Advisory Board members were in attendance. Eleven (11) City staff were present and approximately forty-six (46) members of the public, most of whom signed in.

Members Present

Matt Foley
Phyllis Hall
Charlotte Foster
Jim Gulick
Bill Ward
Judy Dillard
Joann Hartig
John Kemp
Laura Simpson
Council member Phil Lambke

Members Absent

none

Staff Present

Vicki Mork
Roger Smith
Jim Armour
Deb Ary
Lt. Michael Allred
Ofc. Bobby Wiley
Ofc. Duane Diehl
Ofc. Long Nguyen
Sgt. Alan Wolf
Kurt Schroeder
Marty Miller

Guests

see page 9

ORDER OF BUSINESS

Call to Order

Council Member Lambke called the meeting to order at 7:12 pm.

Approval of Minutes

Minutes for October 1, 2003 were approved. Motion made by Foster (Hartig) passed 8-0.

Action: Received and filed.

Public Agenda

1. **Agenda Item**

- **Gordon Wood**, 1919 Fabrique handed out a written statement, which he then went over regarding the flooding that occurs from Gypsum Creek in his neighborhood. He requested DAB III members to support all efforts to keep Gypsum Creek improvements on the current timetable within the City's CIP budget. Currently the work is to begin in 2005 with completion in 2006. Mr. Wood explained he has had much correspondence with the City of Wichita since 1987 due to flooding from the creek. During this time the project has been delayed many times while the residents in this area have sustained extensive damage numerous times. Mr. Wood feels like the Cowskin Creek on the Westside of town receives most of the media coverage regarding flooding problems while his neighborhood, which is older and more modest, receives no coverage. He wants the City Council to recognize that the problem exists and to maintain the existing time frame in the CIP budget.

Foley asked how to arrange for City staff to appear before District III DAB regarding CIP. **Council Member Lambke** said they could be invited any time. He explained City staff had informed him that there isn't enough funding to implement all of the needed storm water drainage projects and as a result they are asking for an increase in the storm water drainage fee on the City Water Bill from \$1.25 to \$1.60. CM Lambke reminded everyone that work had been done on Dry Creek and some houses near Bluff and Mt. Vernon had been bought out. He said he had met with Suzanne Morgan, another resident with a problem creek nearby and he had been out to a property south of Scotch n' Sirloin with similar problems. He invited the residents concerned about flooding to appear before the City Council at a future meeting.

Kemp said he had received information relative to Gypsum Creek that construction up in the northeast part of Wichita increases run off resulting in more water in creek and more flooding. He asked why it has taken thirty years to get a project completed in this older neighborhood and the problem needs to be addressed now. **Lambke** responded inviting the group to talk to the entire Council about this problem, as he is just one member. He said he thought the city had a legal liability by allowing more construction in the northeast part of Wichita. There is a need to make entire council aware of this problem.

Ward observed that the Metropolitan Area Planning Council should be reviewing plans for new developments in terms of their drainage features and thereby avoiding exacerbating existing problems such as these. **Lambke** said developments were supposed to incorporate and allow for drainage issues. **Foley** asked if north east development could be made accountable for drainage through assessment of special fees.

Other public comments included information about insurance problems associated with living in flood zone; opposition to raising storm water taxes across the board preferring targeted assessments for developers; time to resolve this areas' problem as they had experienced three 100 year floods in the past 10 years; and one resident showed pictures of flooded house. **Roger Smith**, President of the East Mt. Vernon Neighborhood Association

proposed the City buy out 14 pieces of property on his block and eliminate the problem of flooded houses altogether in this area. He feels this is a cost effective approach.

Council Member Lambke said he would put the topic on the City Council Agenda for November 18th and he invited everyone to attend then. Audience member **King** asked about status of current CIP budget. **Lambke** responded saying some projects in District III got adjusted due to the Pawnee grade separation project.

Recommended Action: Receive and file.

New Agenda Item

- **Debbie McCurdy**, Kansas Association of Therapeutic Massage and Body Work, said she represented some of the massage community's concerns/opposition to Environmental Health's proposed ordinance regulating massage therapy. 1) There are no documented complaints about massage; 2) Many of the members belong to a National association with many requirements, including continuing education. She maintains they are professionals with high standards, and don't need city regulation. Licensure fees increase the cost of doing business as a small businessperson and impact her profit margin. She also contends the grandfathering clause is unclear and may lead to problems of interpretation. She does not believe this will increase professionalism, and is asking DAB III to delay passing the ordinance.

Recommended Action: Receive and file.

New Agenda Item

- **Carol Bradford**, Inter Faith Ministries reminded everyone to Celebrate Safely during the upcoming holiday season by avoiding firing guns into the air. She reminded everyone that the law of gravity applies to bullets also. Firing bullets causes property damage and fatalities across the United States but it is entirely preventable and she requested that everyone present take a poster and the program information and spread it throughout the neighborhoods through Neighborhood Associations.

Recommended Action: Receive and file.

New Agenda Item

- **Kim Green**, Sedgwick County Health Department provided information concerning recent activities at the Colvin Health Station – between 40 – 50 people received flu shots during a recently held extra clinic. They are still planning to move out of the Colvin Community Center but the lease with the Wichita Mall is still being negotiated.

Recommended Action: Receive and file.

New Agenda Item

- **Elizabeth Bishop**, Wichita Independent Neighborhood organization representative informed everyone that they would be holding a training session, "Making Your Neighborhood Safer" in conjunction with the Wichita Police Department on Saturday, November 15th, from 8:30 am.- 12p.m.

Recommended Action: Receive and file.

2. No off agenda items presented

Staff Presentations

3. Community Police Report

Officer Diehl, 23 Beat reported a rash of vandalism involving shooting out car windows in south and west Wichita on Halloween.

Officer Nguyen, 33 Beat reported that the Wichita Police Department received Webber Seavy Award for the Planeview Project, which included the Planeview Activity Camp for Kids (PACK). He also reminded everyone against leaving cars running to warm them up without locking the doors.

4. Wichita Police Department

Lieutenant Michael Allred, Professional Standards Bureau, explained this division investigates suspicions for alleged Police misconduct but they are also happy to take compliments. His predecessor, Captain Zumwalt polled twenty-four focus groups regarding citizen knowledge about reporting complaints or compliments and found that few citizens knew how to do that and that most had a negative opinion of Internal Affairs. In response a standardized form and an investigative format have been developed, supervisors were trained and additional civilian employees were hired to assist the department. Further improvements resulted in limiting investigations to thirty days with employees and complainants promptly informed of the outcome. If a citizen is unhappy with investigation findings they can go to the citizen review board. They are now educating the Neighborhood Assistants and DAB boards about improved process, reassigned staff and equipped the department for their mission. All reports go through the Chief of Police. Statistics are categorized in two ways - Internal complaints and External complaints. So far this year 85% of the Internal complaints have been upheld while only 23% of the External complaints. When an officer is commended or complimented it goes through the chain of command and the officer is recognized before his peers. He requests that everyone keep the comments coming and said he would be happy to appear before any Neighborhood Association.

Foley asked if complaints interfered with officers' promotions and he was told they do if they are negative. **Hartig** asked how Domestic Violence involving WPD staff were handled and she was informed that the Department of Professional Standards looks only at policy issues since domestic violence is a criminal matter it would be handled through the court systems if the complaint was founded.

Recommended Action: Receive and file.

5. Environmental Health – Proposed Massage Ordinance

Roger Smith, Environmental Health Department staff person explained that the revised massage ordinance had not been scheduled on the Council agenda yet as the department was waiting to gather input from all of the DABs and this one was the final one. **Ward** referring

to the ordinance's requirement of individual licensee's to insure the City also wanted to know if the City requires every person they license in other capacities to insure the city also. Staff present was unable to provide an answer on other department practices.

Public comments were offered by **Lee Lookingbill**, massage therapist saying she and other massage therapists had worked with city for three years trying to develop a ordinance. The process included open forums but the public failed to participate. They wanted an updated ordinance and support the proposed one. Her organization asked City to provide protection to therapists from the public for possible damage and she said other DABS have concurred.

Dana Clark, massage therapist for seventeen years says the ordinance doesn't allow anyone who's a "natural talent" meaning someone without training, to be grandfathered in and she doesn't support the ordinance for this reason. **Alisha Dale**, massage therapist for less than six months explained she supports the ordinance even though she has a total of three hundred and fifty hours of experience/training so far this is not enough training. She supports the legitimization of the "business" and endorses passage of law.

Foley says the law is flawed and discriminatory by allowing faith-based healers, and he opposes it. Public comments from **Ronnie Johnson** and **Ardelin Stokes** opposed passage of the proposed ordinance as massage therapy is a cottage industry and the therapists were not aware of the movement toward licensure.

Board discussion continued, **Dillard** said she understands positions on both sides and concludes non-regulated practitioners are undermining the industry and she believes it's important for practitioners to be trained and qualified. Says ordinance supports that perspective.

Kemp agrees with **Dillard** but explains his dilemma is that a masseuse needs more than God given talent, they need the training and the public needs this assurance if certified massage therapist. **Hall** questioned massage therapist's needing an education. **Foley** said certification is mandated on a state level in some areas of the US but there is no state of Kansas certification procedure and thinks the city is out of line superceding state initiations. **Foley** defended professional standards of industry went on to Eagle, and said they would run ads for anything portraying massage therapy as a shadowy businesses appealing to the public's prurient interest. He believes it it's not broke don't fix it and he opposes the ordinance.

Foster asked for further clarification of the insurance issue and **Roger Smith** explained if the City of Wichita issues a license then they have a connection and a responsibility through that individual.

Dillard (Hartig) moved the ordinance be approved

Recommended Action: Motion to approve ordinance carried 6:2 with Ward and Foley opposed.

6. Office of Central Inspection

Kurt Schroeder, OCI began his presentation saying portable storage containers are large metal storage containers that are used by retail establishments for inventory storage during holiday sales volumes. In 1999 or 2000 large retailers had dozens or thousands

of these at their sites and his office received many complaints due to aesthetics, increased noise, and blocked fire lanes. This is a complaint driven problem. In 2001 CPOs or DABs endorsed code changes with limitations. They affected limited commercial areas the most. Placed in commercial areas the most, they were permitted if they were screened, painted and placed properly behind buildings on a time-limited basis. Since then the practice has expanded and tickets have been issued. The City Manager's office directed review of regulations after receiving complaints from businesses.

Proposed changes include relaxing screening requirements, eliminating temporary limits instead allowing them to remain year round; limiting the number of containers but increasing the number of containers for small businesses and allowing large retailers to expand the number of containers for 3-4 months of the year. OCI Staff disagreed, didn't want different standards for businesses. City is supposed to be notified by retail companies when they need storage containers and the request would go to the planning commission.

Ward asked if national company had own storage could they install them on their own. **Schroeder** responded that usually the containers are rented from a company. **Gulick** asked if the containers used at firecracker stands were included and was told they were with placement occurring behind the tent. The biggest change is that containers could be left year round for larger retailers. No negative impacts from land lords. Merchants avoid additional rent charges and property taxes are avoided. **Kemp** asked if this included refrigerated storage but was not. **Foley** asked if the containers were kept year round and are they portable. **Schroeder** reiterated they are moveable storage facilities that are not permanent.

Daryl Nichol, HOC Storage System stated he and his company agree with aesthetic requirements and place them in legal areas only. They are committed to abiding by ordinance and want to be sensitive to aesthetics and placement of the containers. Eighty percent of their business is small retailers avoiding leased warehouse space and the added expense. They would favor storage placement in one area located together but the company is willing to work with OCI and will do whatever ordinance requires. As a company they are not endorsing or opposing ordinance changes and they encourage their customers to follow the laws.

Foley asked **Nichol** how the company felt about the ordinance and he replied HOC was not in favor of licensure but they are committed to following the law and they want to be good citizens of community. **Foley** raised a point with **Schroeder** saying the definition of storage containers could be construed to include plastic fifty five gallon barrels. **Schroeder** thanked him and said OCI would take it out

Dillard stated she was against permanent portable storage. **Gulick** asked if containers were taxed as transportation and was told they were not because they were just boxes hauled to location on the back of a flat bed truck.

Hartig said storage options like these benefit small businesses. **Hartig (Ward)** moved to approve ordinance revisions.

Recommended Action: Motion passed 6:3 with Dillard, Gulick and Foley opposed.

7. Department of Finance

Marty Miller, Grants coordinator passed out map showing the proposed changes for Local Investment Area. This is the area targeted for many of the improvements allowed through use of the Housing and Urban Department moneys received as Community Development Block Grant funds in the amount of \$3.2 million. City now provides a consolidated plan, which includes neighborhood revitalization plans. Money directed towards special neighborhoods can be spent with fewer restrictions. A community task force provided input and reviewed stats from 2000 Census. Hilltop and Planeview neighborhoods are still included but the Orchard Breeze Area has been deleted. The Delano area has also been included.

Miller said the Consolidated Plan is available on line, as part of the City's web site, www.wichita.gov. It shows the various projects included in the plan. **Hartig** said she felt the free paint program was ineffective due to the requirement calling for professional application. **Miller** explained that HUD does allow the use of volunteers for painting.

Recommended Action: Review and comment.

8. Public Works

Deb Ary, Engineer presented a signed petition to pave 45th Street South from Lulu to Hydraulic. The proposed improvement consists of a two-lane asphalt road with curb and guttering. A storm sewer will be built with the paving. The cost will be totally born by the property owners except for intersection costs, which will be funded by the City at large. **Foley (Gulick)** moved the petition be approved.

Recommended Action: Motion passed 9-0.

9. Public Works

Deb Ary, Engineer presented a signed petition to pave Lulu from 45th Street South to 44th Street South. The petition was signed by only 1 of 7 resident owners but because the signer was the owner/developer of a proposed new residential development he represents 50.27% of the improvement district area. The proposed improvement consists of a two-lane asphalt road with curb and gutter, however due to the small lot sizes and existing drainage conditions a storm water sewer will be built with the paving and increases the cost of the project.

Public Works does not favor this approach because of the expense, estimated at \$.73 per square foot of ownership and the lack of support by existing residents in the neighborhood. The cost of the improved street does not include the cost of driveways for each property. **Ary** suggested that due to the drainage issues for the entire area that storm sewer system could be ordered in by the Council. **Dillard** said she thought another woman was trying to get area streets paved without curb and gutter but staff responded that most new streets were curb and gutter from now on. **Dillard** reminded City staff that new drainage areas were just constructed off Hydraulic Street in conjunction with that paving project.

Ary explained a more piece meal approach could be taken if storm water drainage was “ordered in” for \$250,000 from 43rd to 47th Street. Streets could be done one at a time and would reduce the cost for Lulu Street from \$.73 cents to \$.53 cents sq. ft. but this proposal has not been presented to the neighborhoods yet.

Audience member, **Ronnie Johnson**, resident on Lulu said she represented 4 of the 5 property owners on her side of the street and they are all against paving. **Michael Brincefield**, 4730 Ida. Asked if these petitions can be considered active indefinitely and was assured they could be but Public Works would not implement neighborhood improvements off a petition that was considered “out of date”. **Ary** explained that every future proposed road in this area would be curb and gutter. In spite of the split between residents and the owner/developer this is considered a valid petition.

Foley (Hall) moved that the petition be denied. **Dillard** requested reassurance that other options for the project would be explored. **Jim Armour**, design engineer with Public Works said they would review the project looking for a more equitable approach using a bigger picture.

Recommended Action: Motion to deny passed on a vote of 8:1 (Foster opposed).

Board Agenda

10. Issues/updates

Gulick asked **Council Member Lambke** for an update on the issue between **Mayor Mayans** and **City Manager Chris Cherches**. **Lambke** said there might not be enough votes on the council to terminate **Churches** despite **Mayans** desires.

Dillard reports Pawnee Grade Separation project is back on track.

Gulick (Kemp) moved adjournment, motion passed unanimously.

11. Next Meeting

The next regularly scheduled meeting for District Advisory Board III will be December 3, 2003 at Colvin Neighborhood City Hall at 7:00 p.m.

No Action Required

Adjournment

Respectfully Submitted,

Vicki Mork, Neighborhood Assistant

Visitors

Jeff & June Gossen	1641 E. 45 th Street S.
Lee Lookingbill	435 N. Mosley
Alicia Dale	432 N. Mosley
Ardelia Stokes	8325 E. Harry
Melissa Kim	1902 Lexington
Sid Bruner	1914 Fabrique
Sarah & Jim Skelton	5903 Skinner
Gordon & Rita Wood	1919 Fabrique Dr.
Roy Simpson	1459 Roanoke
Suzanne Morgon	2132 George Washington Blvd
Connee Hughes	2550 S. Oliver
David McGuire	Park & Rec
Roger Smith	Environmental Health
Bill Hobbs	4435 S. Hydraulic
Off Long Nguyen	WPD
Bill Davis	1818 S. Main
Debbie McCurdy	1813 Lisa Lane
Jody Bennett	1709 E 48 th St. S.
Karol Bradford	Inter Faith Ministries
Jesse Gonzales	4519 S. Lulu
Wesley Provines	1601 E. 45 th St. S.
Annette Mapes	1314 Galena
Betty Strickland	1302 Galena
Roger Smith	1932 Lexington
Elizabeth Bishop	8518 Longlake
Debra Ary	PW Engineering
Marco Adame	1438 Lexington
Elena Ingle	3608 Meadow Lane
Michael Brincefield	4730 S. Ida